

ELIZABETH GAGNARD

*

12TH JUDICIAL DISTRICT COURT

VERSUS

*

DOCKET NUMBER: 2014-922-B

WAL-MART STORES, INC. and/or

WAL-MART LOUISIANA, L.L.C.

*

AVOYELLES PARISH, LOUISIANA

AFFIDAVIT

STATE OF LOUISIANA

PARISH OF AVOYELLES

I, Rebecca Soileau, Deputy Clerk of Court in and for the Parish of Avoyelles, State of Louisiana, do hereby certify that the attached documents are true and correct copies of the civil suit entitled, *Elizabeth Gagnard v. Wal-Mart Stores, Inc., et al*, Twelfth Judicial District Court, Avoyelles Parish, Louisiana, Docket Number: 2014-922-B, consisting of 39 pages, the original of which documents are on file in my office.

Marksville, Louisiana, this 4th day of June, 2015.

Rebecca Soileau
AVOYELLES PARISH CLERK - *Dy*

FILED
ATTEST
A TRUE COPY

6.4.15

Rebecca Soileau
Dy. Clerk

Darrel D. Ryland, APLC
(A Professional Law Corporation)

DARREL D. RYLAND
J. B. TREUTING
WESLEY K. ELMER
DANIKA A. BENJAMIN
DANIELLE A. SOLDANI-RYLAND
STEPHEN C. RYLAND
BLAKE E. RYLAND

CLERK AND RECORDER
AVOYELLES PARISH, LA
115 WEST MARK STREET
P.O. DRAWER 1469
MARKSVILLE, LA 71351
TELEPHONE (318) 253-5961
FACSIMILE (318) 253-5599
2014 SEP 8 PM 1 30
FILE NO _____
FILED AND RECORDED

Monday, September 08, 2014

Ms. Connie Couvillion
Clerk of Court, Avoyelles Parish
P. O. Box 196
Marksville, Louisiana 71351

RE: Elizabeth Gagnard, v. Wal-Mart, et al

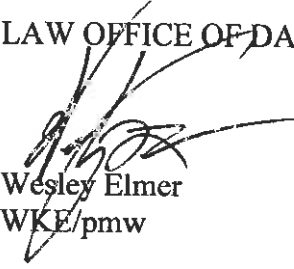
Dear Madam:

Enclosed please find one original and two copies of a Petition for Damages to be filed on behalf of plaintiff. Please file stamp the copy and return to me.

Also, enclosed please find my firm check in the amount of \$500.00 for the costs of this filing.

Very Truly Yours,

LAW OFFICE OF DARREL D. RYLAND, APLC


Wesley Elmer
WKE/pmw

BOOK _____ PAGE _____ 20140922 *B*
CIVIL SUIT NO. _____
CLERK AND RECORDER
AVOYELLES PARISH, LA

ELIZABETH GAGNARD 12TH JUDICIAL DISTRICT COURT

VERSUS

2014 SEP 8 PM 1 31

PARISH OF AVOYELLES

FILE NO. _____
FILED AND RECORDED
WAL-MART STORES, INC. AND/OR
WAL-MART LOUISIANA, LLC

STATE OF LOUISIANA

PETITION FOR DAMAGES

The petition of **ELIZABETH GAGNARD**, resident of the full age of majority of Avoyelles Parish, Louisiana with respect represents that:

1.

MADE DEFENDANTS HEREIN ARE:

1. **WAL-MART STORES, INC. AND/OR WAL-MART LOUISIANA, LLC**, a Business corporation and/or Limited Liability Company whose agent for service of process is C T Corporation System, 5615 Corporate Blvd., Suite 400-B, Baton Rouge, Louisiana 70808.

2.

Defendants are fully, truly and legally indebted unto the petitioner, **ELIZABETH GAGNARD**, in the amounts which will be set forth by the trier of fact, together with legal interest thereon from the date of judicial demand until paid and for all costs of these proceedings and for all bodily injuries, loss wages, loss of earnings capacity, medical bills, travel expenses incurred for medical visits relating to this accident, including medical mileage reimbursement, loss of enjoyment of life and related expenses sustained by petitioner caused by and arising out of an accident which occurred with the jurisdiction of this Honorable Court, all as will be hereinafter particularized and duly shown on the trial of this case.

3.

This case results from a slip and fall accident which occurred on or about June 10, 2014 at Wal-Mart, located in Mansura, Avoyelles Parish, Louisiana.

4.

On June 10, 2014, plaintiff, **ELIZABETH GAGNARD**, walked into the

S

Wal-Mart and slipped on the wet floor and fell, thus causing the accident.

5.

Upon information and belief, the sole and proximate cause of the above described collision was the negligence of **WAL-MART STORES, INC. AND/OR WAL-MART LOUISIANA, LLC.**, said acts of negligence being described specifically as follows:

**NEGLIGENCE OF WAL-MART STORES, INC. AND/OR
WAL-MART LOUISIANA, LLC:**

- A. 1. Failure to provide a safe place for customers to shop;
2. Creating an unreasonably dangerous condition; and
3. Failure to put up a floor wet sign.

6.

As the result of the foregoing, petitioner, **ELIZABETH GAGNARD**, sustained severe and painful personal injuries to her right knee, as well as other injuries.

7.

As a result of the foregoing, the petitioner, **ELIZABETH GAGNARD**, was caused to sustain physical pain and mental anguish. She has required medical care and treatment for her injuries and residuals thereof; she has incurred medical, hospital and related expenses; she may require hospital and related care in the future and his condition may continue, worsen or become permanent.

8.

Petitioner, **ELIZABETH GAGNARD**, claims damages for pain and suffering (past, present and future), mental anguish, (past, present and future), disabilities and/or residuals and permanent physical impairment (past, present and future), including travel expenses incurred for medical visits relating to this accident and medical mileage reimbursement, loss of life's pleasures (past, present and future), medical, hospital and related expenses (past, present and future), loss of wages, loss of earning capacity, property

damage, vehicle rental expenses, towing fees, storage fees and related expenses and all other damages to which they are entitled under Louisiana Law, all in amount to be determined by this Honorable Court.

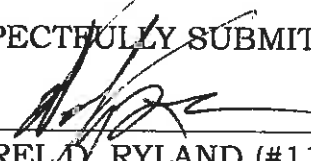
9.

Plaintiffs stipulate that, at this time, it does not appear that plaintiff's damages will exceed Seventy Five Thousand and No/100 (\$75,000.00) Dollars, exclusive of interest and costs.

WHEREFORE, plaintiff, **ELIZABETH GAGNARD**, PRAYS THAT:

1. The defendants, **WAL-MART STORES, INC. AND/OR WAL-MART LOUISIANA, LLC**, be served with a copy of this petition and duly cited to appear and answer same;
2. There be Judgment in favor of plaintiff and against the defendants, **WAL-MART STORES, INC. AND/OR WAL-MART LOUISIANA, LLC**, jointly, severally and in solido, for the damages set forth hereinabove, in an amount to be determined by this Honorable Court, together with legal interest thereon from date of judicial demand until paid and all costs of these proceedings;
3. Further prays for all general and equitable relief to which petitioner is legally entitled.

RESPECTFULLY SUBMITTED:

BY: 
DARREL D. RYLAND (#11565)
J.B TREUTING (#17173)
WESLEY K. ELMER (#23724)
DANIKA A. BENJAMIN (#28872)
DANIELLE A. SOLDANI-RYLAND(#30735)
STEPHEN C. RYLAND(#33348)
BLAKE E. RYLAND (#34747)
P. O. Drawer 1469
Marksville, Louisiana 71351
Phone: (318) 253-5961

PLEASE SERVE:

1. **WAL-MART STORES, INC. AND/OR WAL-MART LOUISIANA, LLC**, a Business corporation and/or Limited Liability Company whose agent for service of process is C T Corporation System, 5615 Corporate Blvd., Suite 400-B, Baton Rouge, Louisiana 70808.

CIVIL SUIT NO. _____

ELIZABETH GAGNARD

12TH JUDICIAL DISTRICT COURT

VERSUS

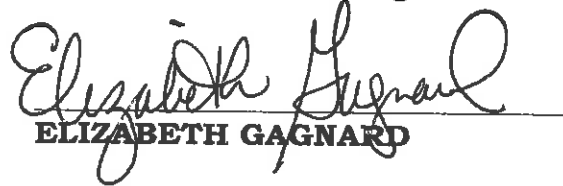
PARISH OF AVOYELLES

**WAL-MART STORES, INC. AND/OR
WAL-MART LOUISIANA, LLC**

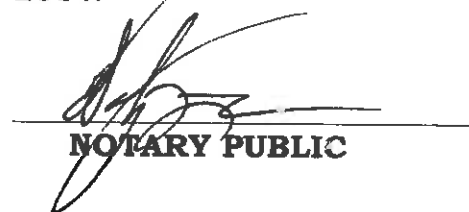
STATE OF LOUISIANA

VERIFICATION

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified, in and for the Parish of Avoyelles, State of Louisiana, personally came and appeared **ELIZABETH GAGNARD**, who after being duly sworn did depose that all of the allegations of fact contained in the above and foregoing Petition for Damages are true and correct to the best of his knowledge.


ELIZABETH GAGNARD

SWORN TO AND SUBSCRIBED before me,
Notary, on this 5 day of September,
2014.


NOTARY PUBLIC

CIVIL SUIT NO. _____

ELIZABETH GAGNARD

12TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF AVOYELLES

**WAL-MART STORES, INC. AND/OR
WAL-MART LOUISIANA, LLC**

STATE OF LOUISIANA

**REQUEST FOR WRITTEN NOTICE OF ASSIGNMENT AND
WRITTEN NOTICE OF ANY ORDER OR JUDGMENT MADE OR RENDERED**

TO: CLERK OF COURT
12TH JUDICIAL DISTRICT
MARKSVILLE, LOUISIANA 71351

In accordance with provisions of Articles 1571 and 1572 of the Louisiana Code of Civil Procedure, you are hereby requested to give us, as counsel for the named plaintiff, **ELIZABETH GAGNARD**, written notice, by mail, at least ten (10) days in advance of any date fixed for any trial or hearing of this case, whether on exceptions, motions, rules or on the merits thereof.

And in accordance with the provisions of Articles 1913 and 1914 of the Louisiana Code of Civil Procedure, you are also requested to send us notice of any order or judgment in this cause upon the entry of any such order of judgment.

Marksville, Louisiana this 8 day of September, 2014.

BY ATTORNEYS:

BY: 

DARREL D. RYLAND (#11565)

J.B TREUTING (#17173)

WESLEY K. ELMER (#23724)

DANIKA A. BENJAMIN (#28872)

DANIELLE A. SOLDANI-RYLAND(#30735)

STEPHEN C. RYLAND(#33348)

BLAKE E. RYLAND (#34747)

P. O. Drawer 1469

Marksville, Louisiana 71351

Phone: (318) 253-5961

CIVIL SUIT NO. _____

ELIZABETH GAGNARD

12TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF AVOYELLES

**WAL-MART STORES, INC. AND/OR
WAL-MART LOUISIANA, LLC**

STATE OF LOUISIANA

**PLAINTIFF'S FIRST SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

**TO: WAL-MART STORES, INC. AND/OR
WAL-MART LOUISIANA, LLC,
THROUGH THEIR ATTORNEY OF RECORD**

The following interrogatories and/or request for production of documents are directed to defendants, **WAL-MART STORES, INC. AND/OR WAL-MART LOUISIANA, LLC.**, to be answered under oath and in writing by any proper officer or agent within defendant corporation, who has knowledge of the injuries, fifteen (15) days from the date of service of these interrogatories and/or request for production of documents, in the form and manner prescribed by law.

INTERROGATORY NO. 1.

Please state the full name, address, job title and present employer of each person answering or assisting in answering these interrogatories on behalf of the defendant.

INTERROGATORY NO. 2.

Have the defendants been sued under their/its correct name(s)? If not, please state the correct name(s) and explain your answer.

INTERROGATORY NO. 3.

Please state the name, address and telephone number of each person including experts having knowledge of the relevant facts pertaining to the incident which is the basis of this lawsuit and cause thereof or damages resulting therefrom.

INTERROGATORY NO. 4.

Please state the name and address of any potential parties of the lawsuit, not already named as a party thereto.

INTERROGATORY NO. 5.

Please state whether or not you have a copy of any statement which the plaintiff has previously made concerning this action or its subject matter which is in your possession, custody or control. If so, please produce a copy of any statements.

INTERROGATORY NO. 6.

Do you contend that the plaintiff has done anything or failed to do anything that constitutes a failure to mitigate damages? If so, please describe what your contention is based on and what evidence exists to support same.

INTERROGATORY NO. 7.

Please describe any insurance agreement which any insurance company may be liable to satisfy all or part of the judgment which may be entered in this action, or to indemnify or reimburse for payments made to satisfy the judgment by stating the name of the person or entity insured and the name of the insured, and the amount of liability insurance coverage.

INTERROGATORY NO. 8.

Please describe in detail any conversations you had with the plaintiff or plaintiff's representative following the incident in question.

INTERROGATORY NO. 9.

Have you conducted any test, experiment or accident recreation or reconstruction for which the results you may attempt to introduce into evidence at the trial of this matter.

INTERROGATORY NO. 10.

Was it in the regular course of business of the defendant to conduct a post accident or investigation for which the results you may attempt to introduce into evidence at the trial of this matter.

INTERROGATORY NO. 11.

Describe any umbrella policy, which may act as liability coverage over and above the basic primary coverage that may be responsible for paying any part of this judgment against you in this case.

INTERROGATORY NO. 12.

What is the defendant's understanding or contention with respect to how the occurrence in question occurred, and how and why the plaintiff sustained his injuries?

INTERROGATORY NO. 13.

Please state completely and fully all representations, statements, declarations or admissions made by **ELIZABETH GAGNARD**, or any agents or servants of him which you might attempt to make known to the Judge or Jury in the trial of this matter.

INTERROGATORY NO. 14.

Please give us a list of every person with whom the defendant had contact, including address and telephone numbers prior to and following the accident.

INTERROGATORY NO. 15.

State the name, address, and telephone number of each and every investigator hired by the defendants to investigate any aspect of this case.

INTERROGATORY NO. 16.

State the name, address and telephone number of each and every witness interviewed by any investigator or any attorney representing the defendant in connection with this case.

INTERROGATORY NO. 17.

State the name, address and telephone number of any person(s) who have conducted any surveillance films or activity checks on **ELIZABETH GAGNARD**.

INTERROGATORY NO. 18.

Please produce copies of any surveillance material, activity checks, and/or film conducted with reference to Number 15 above.

INTERROGATORY NO. 19.

State the name and address of any and all persons from whom oral or verbal statements were taken by the defendants or any of their agents.

INTERROGATORY NO. 20.

If your answer to interrogatory number 19 above is in the affirmative, please produce a copy of the statements taken by the defendants.

INTERROGATORY NO. 21.

State the name, address and telephone number of person(s) from whom written statements were taken by the defendants.

INTERROGATORY NO. 22.

If you answer to interrogatory number 21 above is in the affirmative, please produce a copy of the statements taken by the defendants.

INTERROGATORY NO. 23.

State the date or approximate dates of the giving of the statements listed in Number 19 and 21 above.

INTERROGATORY NO. 24.

Please identify each and every witness and exhibit you intend to present at trial.

INTERROGATORY NO. 25.

Please identify any and all insurance companies by the name of the insurance company and the name of the insured, under any and all policies of insurance which may provide liability, uninsured motorist, or medical payments benefits to any party involved in this litigation.

INTERROGATORY NO. 26.

Please state whether any recorded statements, written statements and/or transcripts of recorded statements were taken; if so, by whom, of whom, the date the statement was taken, and please produce a copy of the audio recording, written statement and transcription of the recorded statement.

REQUEST FOR PRODUCTION NO. 1.

Please provide the names, addresses and telephone numbers of all known witnesses at the time of the accident.

REQUEST FOR PRODUCTION NO. 2.

Please provide a copy of all statements taken in this matter stating the names, addresses and telephone numbers of all persons from whom statements have been taken.

REQUEST FOR PRODUCTION NO. 3.

Please provide a copy of all photographs taken in this matter.

REQUEST FOR PRODUCTION NO. 4.

Please provide a copy of an original and/or certified copies of any and all policies of liability insurance, umbrella policies or any other policies in existence providing liability coverage.

REQUEST FOR PRODUCTION NO. 5.

Please provide a copy of any and all expert reports which have been prepared in connection with this lawsuit or the incident giving rise to this lawsuit, if the expert is expected to or may testify in this cause as an expert.

REQUEST FOR PRODUCTION NO. 6.

Please provide copies of any and all statements that the plaintiff has given in connection with this matter.

REQUEST FOR PRODUCTION NO. 7.

Please provide any and all drawings, maps, sketches of the scene of the

accident which has been made the basis of this lawsuit.

REQUEST FOR PRODUCTION NO. 8.

Please provide a copy of any and all kinds of books, documents, photographs or other tangible things which may be used at the time of trial which may have a bearing on this cause of action.

REQUEST FOR PRODUCTION NO. 9.

A copy of any contract of employment that would govern any relationship with any other party or bear on the issue of scope of employment.

REQUEST FOR PRODUCTION NO. 10.

Please produce a copy of all exhibits which may be submitted at trial.

REQUEST FOR PRODUCTION NO. 11.

Please provide any and all reports of the accident.

REQUEST FOR PRODUCTION NO. 12.

Please produce copies of any surveillance material, activity checks, and/or film conducted.

RESPECTFULLY SUBMITTED:

BY: 

DARREL D. RYLAND (#11565)

J.B TREUTING (#17173)

WESLEY K. ELMER (#23724)

DANIKA A. BENJAMIN (#28872)

DANIELLE A. SOLDANI-RYLAND(#30735)

STEPHEN C. RYLAND(#33348)

BLAKE E. RYLAND (#34747)

P. O. Drawer 1469

Marksville, Louisiana 71351

Phone: (318) 253-5961

PLEASE SERVE:

WAL-MART STORES, INC. AND/OR WAL-MART LOUISIANA, LLC, a

Business corporation and/or Limited Liability Company whose agent for service of process is C T Corporation System, 5615 Corporate Blvd., Suite 400-B, Baton Rouge, Louisiana 70808.

CIVIL SUIT NO.

2014-922B

ELIZABETH GAGNARD

12TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF AVOYELLES

**WAL-MART STORES, INC. AND/OR
WAL-MART LOUISIANA, LLC**

STATE OF LOUISIANA

SUBPOENA DUCES TECUM


TO: WAL-MART STORES, INC. AND/OR WAL-MART LOUISIANA, LLC, a Business corporation and/or Limited Liability Company whose agent for service of process is C T Corporation System, 5615 Corporate Blvd., Suite 400-B, Baton Rouge, Louisiana 70808.

You are hereby commanded by order of this court to produce at the office of the law office of Darrel D. Ryland, PO Drawer 1469, 115 West Mark Street, Avoyelles Parish, Marksville, Louisiana, within 30 days from service of this subpoena a certified copy of any insurance policy insuring **WAL-MART STORES, INC. AND/OR WAL-MART LOUISIANA, LLC**. on or about June 10, 2014.

By order of the Honorable, the 12th Judicial District Court, for the Parish of Avoyelles, this _____ day of _____, 2014.

CLERK OF COURT

BY ATTORNEYS:

BY: 
DARREL D. RYLAND (#11565)
J.B TREUTING (#17173)
WESLEY K. ELMER (#23724)
DANIKA A. BENJAMIN (#28872)
DANIELLE A. SOLDANI-RYLAND(#30735)
STEPHEN C. RYLAND(#33348)
BLAKE E. RYLAND (#34747)
P. O. Drawer 1469
Marksville, Louisiana 71351
Phone: (318) 253-5961

CIVIL SUIT NO. 14-922.B

ELIZABETH GAGNARD

12TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF AVOYELLES

WAL-MART STORES, INC. AND/OR
WAL-MART LOUISIANA, LLC

STATE OF LOUISIANA

SUBPOENA DUCES TECUM

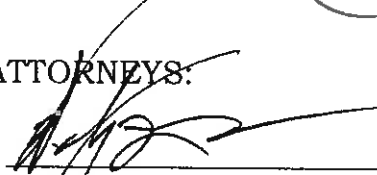
TO: **WAL-MART STORES, INC. AND/OR WAL-MART LOUISIANA, LLC**, a Business corporation and/or Limited Liability Company whose agent for service of process is C T Corporation System, 5615 Corporate Blvd., Suite 400-B, Baton Rouge, Louisiana 70808.

You are hereby commanded by order of this court to produce at the office of the law office of Darrel D. Ryland, PO Drawer 1469, 115 West Mark Street, Avoyelles Parish, Marksville, Louisiana, within 30 days from service of this subpoena a certified copy of any insurance policy insuring **WAL-MART STORES, INC. AND/OR WAL-MART LOUISIANA, LLC**. on or about June 10, 2014.

By order of the Honorable, the 12th Judicial District Court, for the Parish of Avoyelles, this 9 day of Sept., 2014.


CLERK OF COURT

BY ATTORNEYS:

BY: 
DARREL D. RYLAND (#11565)
J.B TREUTING (#17173)
WESLEY K. ELMER (#23724)
DANIKA A. BENJAMIN (#28872)
DANIELLE A. SOLDANI-RYLAND(#30735)
STEPHEN C. RYLAND(#33348)
BLAKE E. RYLAND (#34747)
P. O. Drawer 1469
Marksville, Louisiana 71351
Phone: (318) 253-5961

RECEIVED
SEP 10 2014
E.B.R. SHERIFFS OFFICE

Sid J. Gautreaux
Sheriff East Baton Rouge Parish

Clerk of Court Avovelles Parish
P.O. Box 196

Marksville, LA 71351

DISTRICT COURT
For the Parish of East Baton Rouge
9/16/2014

Case: (05) 201400000922 ELIZABETH GAGNARD vs WALMART STORES INC
1,276,822

Nbr	Date	Service Type	Charges
2	09/16/2014	Subpoena Duces Tecum ; 1 CT; BATON ROUGE, LA 70808	\$20.00
2	09/16/2014	Mileage Charge	\$9.36

Case Total: **\$29.36**

Total: **\$29.36**

Please make check payable to:
Sid J. Gautreaux, Sheriff
P.O. Box 3277
Baton Rouge, LA 70821

PLEASE RETURN THIS BILL WITH CHECK

CITATION

ELIZABETH GAGNARD

Vs.

WAL-MART STORES, INC.

CLERK AND RECORDER
AVOYELLES PARISH, LA

Case: 2014-00000922

Division: B

12th Judicial District Court

Parish of Avoyelles

State of Louisiana

2014 SEP 22 AM 9:17

FILE NO
FILED AND RECORDED

To: WAL-MART STORES, INC. AND/OR WAL-MART LOUISIANA, LLC
THROUGH CT CORPORATION SYSTEM
5615 CORPORATE BLVD, SUITE 400-B
BATON ROUGE, LA 70808

YOU ARE HEREBY CITED to appear in the office of the Clerk of said Court, in the City of Marksville, Parish aforesaid and comply with the demand contained in the petition, of which a copy is hereto annexed, or make an appearance, in writing, by filing a pleading or otherwise in the Office of said Clerk within FIFTEEN (15) days after the service hereof, under penalty of default.

WITNESS the Honorable **JUDGES** of our said Court on Tuesday, September 09, 2014.

O/P W/ SDT PREP BY ATTY

Attorney
DARREL D. RYLAND

Connie B. Gouvillon
Clerk of Court

Deputy Clerk of Court

SHERIFF'S RETURN**PERSONAL SERVICE**

Received the above citation, a certified copy thereof, and a certified copy of the petition

Filed on

Date Served

In person to

Deputy Sheriff

SEP 17 2014
I made service on the named party through the
CT Corporation
Domiciliary Service
by delivering a copy of this document to
CHASITY LOUET
ANTHONY PIERCE
TREVOR SACOUTTE
C. C. C. C. C.
Deputy Sheriff, Parish of Avoyelles, East Baton Rouge, Louisiana

Received this citation, a certified copy thereof, and a certified copy of the petition

Filed on

Date Served

Served to

A person apparently above the age of sixteen years residing at the said domicile as a member thereof from which, at the time of said service, the above named individual was absent.

Deputy Sheriff

[RETURN COPY]

JAMES J. DAVIDSON, JR.
(1964-1990)
RICHARD C. MEAUX, SR.
(1921-2008)
JAMES J. DAVIDSON, III
V. FARLEY SONNIER
(1942-1987)
JOHN E. MCELLIGOTT, JR.
PHILIP A. FONTENOT
KYLE L. GIDEON
THEODORE G. EDWARDS, IV
CHRISTOPHER J. PIASECKI
KEVIN M. DILLS
DAVID J. CALOGERO

**DAVIDSON, MEAUX, SONNIER, MCELLIGOTT,
FONTENOT, GIDEON & EDWARDS**

OF COUNSEL
MARK C. ANDREUS

ROBERT E. MCBRIDE, RET.

A LIMITED LIABILITY PARTNERSHIP
ATTORNEYS AT LAW

810 SOUTH BUCHANAN STREET
P.O. BOX 2908
LAFAYETTE, LA 70502-2908

TELEPHONE: (337) 237-1660

FAX: (337) 237-1676

WRITER'S EMAIL
ADDRESS:

dcalogero@davidsonmeaux.com

DWAZENDRA J. SMITH
ROBERT D. FELDER

LA PROFESSIONAL LAW CORPORATION

October 13, 2014

2014 OCT 16 PM 10 35
FILED
FILED AND RECORDED

Honorable Connie B. Couvillon
Avoyelles Parish Clerk of Court
Post Office Box 219
Marksville, Louisiana 71351-0219

Re: Elizabeth Gagnard
v. Wal-Mart Stores, Inc.
Docket No. 2014-922-B

Dear Clerk:

Enclosed herewith please find the original and one copy of an Answer, Jury Order, and Request for Notice of Trial Date, Etc. on behalf of Wal-Mart Louisiana, L.L.C. which we request you file into the record of the above-referenced matter. Please return to me the extra copy stamped with the date and time of filing in the self-addressed, stamped envelope enclosed for the court's convenience.

Please present the enclosed Jury Order to the appropriate Judge for his consideration and signature, setting the amount of the jury bond and advise us of the amount fixed.

Also enclosed is our firm check in the amount of \$250.00 to cover the costs incurred with filing the enclosed pleadings.

Should you have any questions, please do not hesitate to contact me.

With kindest regards, I remain

Very truly yours,

**DAVIDSON, MEAUX, SONNIER, MCELLIGOTT,
FONTENOT, GIDEON & EDWARDS**

DAVID J. CALOGERO
DJC/cfs

Enclosures

cc: Mr. Darrel D. Ryland

ORIGINAL

ELIZABETH GAGNARD

BOOK * 12TH JUDICIAL DISTRICT COURT

VERSUS

CLERK AND RECORDED
AVOYELLES PARISH, LOUISIANA
DOCKET NUMBER: 2014-922-B

WAL-MART STORES, INC. and/or

WAL-MART LOUISIANA, L.L.C.

14 OCT 16 05:10 PM
AVOYELLES PARISH, LOUISIANA

FILE NO

ANSWER TO PETITION FOR DAMAGES.
JURY TRIAL REQUESTED

NOW INTO COURT, through undersigned counsel, comes the defendant, Wal-Mart Louisiana, L.L.C. (erroneously sued as "Wal-Mart Stores, Inc."), who respond to the plaintiff's Petition for Damages as follows:

1.

The allegations of Paragraph 1 of plaintiff's Petition for Damages do not require a response from your defendants.

2.

The allegations of Paragraph 2 of plaintiff's Petition for Damages are denied.

3.

The allegations of Paragraph 3 of plaintiff's Petition for Damages are denied.

4.

The allegations of Paragraph 4 of plaintiff's Petition for Damages are denied for lack of sufficient information to justify a belief therein.

5.

The allegations of Paragraph 5 of plaintiff's Petition for Damages are denied.

6.

The allegations of Paragraph 6 of plaintiff's Petition for Damages are denied.

7.

The allegations of Paragraph 7 of plaintiff's Petition for Damages are denied.

8.

The allegations of Paragraph 8 of plaintiff's Petition for Damages are denied.

9.

The allegations of Paragraph 9 of plaintiff's Petition for Damages are denied for lack of sufficient information to justify a belief therein.

FILED: October 16, 2014
BY: [Signature]
Deputy Clerk of Court

5

10.

And now, further answering, and in the alternative, and in the event that this Honorable Court should find defendant guilty of negligence, all of which is specifically denied, then, and in that event, defendant respectfully alleges that the plaintiff, Elizabeth Gagnard, was guilty of the following acts of contributory negligence, comparative negligence, and victim fault which said acts and/or omissions serve as a bar and/or in mitigation of any recovery herein, said acts and/or omissions consisting of principally, but not exclusively, of the following, to-wit:

- (a) In failing to take due care and caution for her own safety;
- (b) In failing to look at the area ahead of where she was walking;
- (c) In failing to see what she should have seen and to do what she should have done;
- (d) In failing to notice the presence of a foreign substance on the floor, when, by the use of reasonable caution, she could and should have noticed same;
- (e) In general, in failing to take proper care of her own safety and to avoid hazards which should have been obvious to her or which, by the use of reasonable caution, would have been obvious to her; and
- (f) Any and all other acts of negligence and/or fault which will be shown at the trial of this matter.

11.

Defendant raises the affirmative defense of fault of all known and unknown third parties for whom they are not responsible.

12.

Defendant is entitled to a credit and/or setoff for any and all medical bills which they may have paid to and/or on behalf of the plaintiff in the past or in the future.

13.

Plaintiff failed to mitigate her damages.

14.

Defendant further shows that, in the alternative, if the alleged damages suffered by plaintiff were in any respect a result of the negligence of any plaintiff or third party, then defendant is entitled to a judgment as well as a reduction in the dollar amount of the judgment which may be rendered herein based upon the proportionate degree of fault attributable to said plaintiff or third party or parties.

15.

Defendant further shows that, in the alternative, if any of the parties or their insurers designated as defendants herein settle their respective liability with plaintiff herein, then defendant is entitled to a credit as well as a reduction in the dollar amount of any judgment rendered herein based upon the proportionate degree of fault assigned and attributable to said defendant or defendants.

16.

Alternatively, and only in the event that plaintiff's negligence is not found to have been the sole and proximate cause of any injury sustained herein, which is specifically denied, then, in that event, defendant shows that any recovery had by plaintiff herein should be reduced by a percentage of fault applicable to plaintiff's negligence, which is specifically asserted herein, or that of third parties, and defendants, specifically plead the benefits of LSA C.C. Art. 2323 and 2324.

17.

Defendant specifically request a trial by jury on all issues triable by jury.

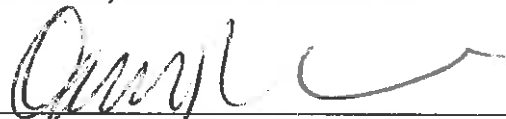
WHEREFORE, all premises considered, defendant, Wal-Mart Louisiana, L.L.C., prays that this Answer be deemed good and sufficient and that after the lapse of all legal delays and due proceedings had, there be judgment in its favor and against plaintiff, rejecting the demands of plaintiff with full prejudice and at her cost.

Defendant further prays for a trial by jury on all issues triable by jury.

AND FOR ALL GENERAL AND EQUITABLE RELIEF, ETC.

Respectfully submitted,

**Davidson, Meaux, Sonnier, McElligott
Fontenot, Gideon & Edwards**



DAVID J. CALOGERO, #1748
PHILIP A. FONTENOT, #16918
DWAZENDRA J. SMITH, #32696
Post Office Box 2908
Lafayette, Louisiana 70502-2908
Telephone: (337) 237-1660
Facsimile: (337) 237-3676

**Attorneys for Wal-Mart Louisiana,
L.L.C.**

CERTIFICATE

I HEREBY CERTIFY that a copy of the above and foregoing pleading has this day been forwarded to all counsel of record by depositing same in the U.S. Mail, postage prepaid and properly addressed.

Lafayette, Louisiana, this 13th day of October, 2014.

A handwritten signature in black ink, appearing to read "David J. Calogero", written over a horizontal line.

DAVID J. CALOGERO

ELIZABETH GAGNARD

*

12TH JUDICIAL DISTRICT COURT

VERSUS

*

DOCKET NUMBER: 2014-922-B

**WAL-MART STORES, INC. and/or
WAL-MART LOUISIANA, L.L.C.**

*

AVOYELLES PARISH, LOUISIANA

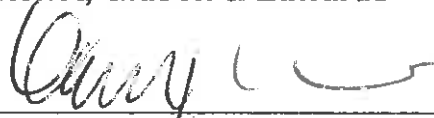
REQUEST FOR NOTICE OF TRIAL DATE, ETC.

TO THE CLERK OF COURT OF THE 12TH JUDICIAL DISTRICT COURT,
PARISH OF AVOYELLES, STATE OF LOUISIANA:

Please take notice that DAVIDSON, MEAUX, SONNIER, McELLIGOTT, FONTENOT, GIDEON & EDWARDS, attorneys for defendant, do hereby request written notice of the date of trial of the above matter as well as notice of hearings (whether on merits or otherwise), orders, judgments and interlocutory decrees, and any and all formal steps taken by the parties herein, the Judge or any member of Court, as provided in Louisiana Code of Civil Procedure of 1960, particularly Articles 1572, 1913, and 1914.

Respectfully submitted,

**Davidson, Meaux, Sonnier, McElligott
Fontenot, Gideon & Edwards**



**DAVID J. CALOGERO, #1748
PHILIP A. FONTENOT, #16918
DWAZENDRA J. SMITH, #32696
810 South Buchanan Street
Post Office Box 2908
Lafayette, Louisiana 70502-2908
Telephone: (337) 237-1660
Facsimile: (337) 237-3676**

**Attorneys for Wal-Mart Louisiana,
L.L.C.**

JAMES J. DAVIDSON, JR.
(1904-1990)
RICHARD C. MEAUX, SR.
(1921-2008)
JAMES J. DAVIDSON, III
V. FARLEY SONNIER
(1942-1987)
JOHN E. MCELLIGOTT, JR.
PHILIP A. FONTENOT
KYLE L. GIDEON
THEODORE G. EDWARDS, IV
CHRISTOPHER J. PIASECKI
KEVIN M. DILLS
DAVID J. CALOGERO

DWAZENDRA J. SMITH
ROBERT D. FELDER

LA PROFESSIONAL LAW CORPORATION

DAVIDSON, MEAUX, SONNIER, MCELLIGOTT,

FONTENOT, GIDEON & EDWARDS

OF COUNSEL
MARK C. ANDRUS

ROBERT R. MCBRIDE, RET.

A LIMITED LIABILITY PARTNERSHIP
ATTORNEYS AT LAW

810 SOUTH BUCHANAN STREET
P.O. BOX 2908
LAFAYETTE, LA 70502-2908

TELEPHONE: (337) 237-1660

FAX: (337) 237-3676

CLERK AND REC'D
AVOYELLES

2014 NOV 17 PM 2 02

WRITER'S EMAIL
ADDRESS:

dcalogero@davidsonmeaux.com

FILE NO

FILED AND RECORDED

November 13, 2014

Honorable Connie B. Couvillon
Avoyelles Parish Clerk of Court
Post Office Box 219
Marksville, Louisiana 71351-0219

Re: Elizabeth Gagnard
v. Wal-Mart Stores, Inc.
Docket No. 2014-922-B

Dear Clerk:

Enclosed herein please find the original and one copy of the Jury Bond and Power of Attorney to be filed herein on behalf of Wal-Mart Louisiana, L.L.C. Kindly return the enclosed copy to the undersigned in the self-addressed, stamped envelope once it has been file-stamped.

Also enclosed is our firm check in the amount of \$150.00 for payment of the jury filing fee.

Should you have any questions, please do not hesitate to contact me.

With kindest regards, I remain

Very truly yours,

**DAVIDSON, MEAUX, SONNIER, MCELLIGOTT,
FONTENOT, GIDEON & EDWARDS**

DAVID J. CALOGERO

DJC/cfs

Enclosure

cc: Mr. Darrel D. Ryland [Via E-Mail Only]

5

ELIZABETH GAGNARD

CLERK AND
AVOYELLES

12th JUDICIAL DISTRICT COURT

VERSUS

2014 NOV 17 PM DOCKET NO.: 2014-0922 "B"

WAL-MART STORES, INC. AND/OR PS AVOYELLES PARISH, LOUISIANA
WAL-MART LOUISIANA, LLC FILED AND RECORDED

JURY BOND

BOND # 106149915

BOND COST \$3,000.00

KNOW ALL MEN BY THESE PRESENTS, that we WAL-MART STORES, INC., the undersigned principal, has prayed for and obtained an order for a trial by jury in the above entitled and numbered cause, conditioned upon his giving bond in the amount of Three Thousand Dollars (\$3,000.00), to cover the additional costs of trial by jury;

NOW, THEREFORE, we, the undersigned WAL-MART STORES, INC., as principal, and Travelers Casualty and Surety Company of America, as surety, do by these presents firmly bind ourselves unto the 12th JDC, Avoyelles Parish in the amount of Three Thousand Dollars (\$3,000.00), for the payment of all additional costs of the trial by jury in the above cause.

Signed, sealed and dated this _____ day of _____, 2014.

WITNESSES:

Charlotte F. Arvey
Sharlene Maniscalco

Cezar L. Waters
Marie P. H.

PRINCIPAL:

WAL-MART STORES, INC.

By: David Calogero
David Calogero, Attorney & Agent

SURETY: Travelers Casualty and Surety
Company of America

By: Peggy A. Sargent
Peggy A. Sargent, Attorney-In-Fact

TRAVELERS J**POWER OF ATTORNEY**

Farmington Casualty Company
 Fidelity and Guaranty Insurance Company
 Fidelity and Guaranty Insurance Underwriters, Inc.
 St. Paul Fire and Marine Insurance Company
 St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company
 Travelers Casualty and Surety Company
 Travelers Casualty and Surety Company of America
 United States Fidelity and Guaranty Company

Attorney-In Fact No. 222240

Certificate No. 005737175

KNOW ALL MEN BY THESE PRESENTS: That Farmington Casualty Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company are corporations duly organized under the laws of the State of Connecticut, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc., is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

David W. Andrus, Dwight W. Andrus III, Peggy A. Sargent, and Goldie Vincent

of the City of Lafayette, State of Louisiana, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 16th day of December, 2013.

Farmington Casualty Company
 Fidelity and Guaranty Insurance Company
 Fidelity and Guaranty Insurance Underwriters, Inc.
 St. Paul Fire and Marine Insurance Company
 St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company
 Travelers Casualty and Surety Company
 Travelers Casualty and Surety Company of America
 United States Fidelity and Guaranty Company



State of Connecticut
 City of Hartford ss.

By: _____

Robert L. Raney, Senior Vice President

On this the 16th day of December, 2013, before me personally appeared Robert L. Raney, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.
 My Commission expires the 30th day of June, 2016.



Marie C. Tetreault
 Marie C. Tetreault, Notary Public

58440-8-12 Printed in U.S.A.

WARNING: THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER

THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER

WARN

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is


FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate of authority or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, Kevin E. Hughes, the undersigned, Assistant Secretary, of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 22nd day of October, 2014


Kevin E. Hughes, Assistant Secretary



To verify the authenticity of this Power of Attorney, call 1-800-421-3880 or contact us at www.travelersbond.com. Please refer to the Attorney-In-Fact number, the above-named individuals and the details of the bond to which the power is attached.

Darrel D. Ryland, APLC

(A Professional Law Corporation)

DARREL D. RYLAND
J. B. TREUTING
WESLEY K. ELMER
DANIELLE A. SOLDANI-RYLAND
STEPHEN C. RYLAND
BLAKE E. RYLAND

CLERK AND RECORDER
AVOYELLES PARISH, LA P.O. DRAWER 1469
MARKSVILLE, LA 71351
2015 JAN 22 PM 2:30
TELEPHONE (318) 253-5961
FACSIMILE (318) 253-5599

FILE NO _____
FILED AND RECORDED

January 22, 2015

Ms. Connie Couvillon
Clerk of Court, Avoyelles Parish
P. O. Box 196
Marksville, Louisiana 71351

RE: Elizabeth Gagnard, v. Wal-Mart, et al
Civil Suit No.: 2014-922B

Dear Madam:

Enclosed please find one original and one copy of a Notice of Deposition of Harold Dauzat, Norma Perisilver, Laurie Lemartiniere and Gary Scoonover, to be filed on behalf of plaintiffs. Please file stamp the copy and return to me.

Please issue the following subpoena:

1. Mr. Harold Dauzat
145 Luke Marin Road
Bunkie, Louisiana

to appear for a deposition with regard to the above referenced matter which is scheduled for **February 24, 2015 beginning at 11:00 a.m.** to be held at the office of Darrel D. Ryland, 115 West Mark Street, Marksville, Louisiana

2. Mr. Gary Schoonover
1022 Highway 107 South
Cottonport, Louisiana

to appear for a deposition with regard to the above referenced matter which is scheduled for **February 24, 2015 beginning at 3:00 p.m.** to be held at the office of Darrel D. Ryland, 115 West Mark Street, Marksville, Louisiana

I enclose my check in the amount of \$15000 to cover the costs associated with this request. Please notify me of the date and type of service on these subpoenas.

LAW OFFICE OF DARREL D. RYLAND, APLC

DARREL D. RYLAND

DDR/pmw

Enclosure

Cc: Mr. David Calogero

ORIGINAL**CIVIL SUIT NO. 2014-922B****ELIZABETH GAGNARD**CLERK AND RECORDER
AVOYELLES PARISH, LA**12TH JUDICIAL DISTRICT COURT****VERSUS**

2015 JAN 22 PM 2:45

PARISH OF AVOYELLES**WAL-MART STORES, INC. AND/OR****WAL-MART LOUISIANA, LLC AND RECORDS STATE OF LOUISIANA****NOTICE OF DEPOSITION UPON ORAL EXAMINATION**

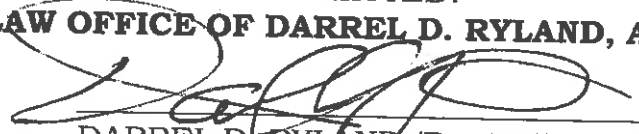
TO: Mr. David Calogero

Please take notice that plaintiff in the above entitled action will take the deposition of the persons whose names are listed below, **for all purposes provided in the Louisiana Code of Civil Procedure**, at the place and times listed below upon oral examination before a qualified Notary public and Court Reporter of the State of Louisiana who is not of counsel or attorney for either of the parties nor a relative or employee of such counsel or party, now financially interested in this cause, the depositions to continue thereafter from the date listed below from day to day as the taking of the depositions may be adjourned, at which time and place you are hereby notified to appear, and take part in such manner as you shall see fit and proper.

HAROLD DAUZAT, February 24, 2015, Beginning at 11:00 a.m.**NORMA PERSILVER**, February 24, 2015, Beginning at 1:30 p.m.**LAURIE LEMARTINIERE**, February 24, 2015, Beginning at 2:00 p.m.**GARY SCOONOVER**, February 24, 2015, Beginning at 2:30 p.m.

Said deposition is to be held at the office of Darrel Ryland, Attorney at Law, 115 West Mark Street, Marksville, Louisiana.

RESPECTFULLY SUBMITTED:

LAW OFFICE OF DARREL D. RYLAND, APLC

DARREL D. RYLAND (Bar Roll #11565)

J.B. TREUTING (Bar Roll #17173)

WESLEY ELMER (Bar Roll #23724)

DANIELLE A. SOLDANI-RYLAND(#30735)

STEPHEN C. RYLAND(#33348)

BLAKE E. RYLAND(#34747)

P.O. Drawer 1469

Marksville, Louisiana 71351

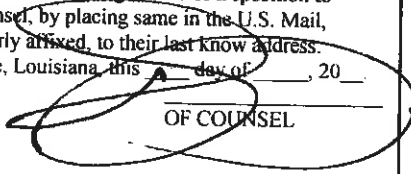
Phone: (318)253-5961

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE

I HEREBY CERTIFY that I have this date forwarded a copy of the above forgoing Notice of Deposition to opposing counsel, by placing same in the U.S. Mail, postage properly affixed, to their last know address.

Marksville, Louisiana, this _____ day of _____, 20__

OF COUNSEL

CIVIL SUIT NO. 2014-922B

ELIZABETH GAGNARD

12TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF AVOYELLES

**WAL-MART STORES, INC. AND/OR
WAL-MART LOUISIANA, LLC**

STATE OF LOUISIANA

NOTICE OF DEPOSITION UPON ORAL EXAMINATION

TO: Mr. David Calogero

Please take notice that plaintiff in the above entitled action will take the deposition of the persons whose names are listed below, **for all purposes provided in the Louisiana Code of Civil Procedure**, at the place and times listed below upon oral examination before a qualified Notary public and Court Reporter of the State of Louisiana who is not of counsel or attorney for either of the parties nor a relative or employee of such counsel or party, now financially interested in this cause, the depositions to continue thereafter from the date listed below from day to day as the taking of the depositions may be adjourned, at which time and place you are hereby notified to appear, and take part in such manner as you shall see fit and proper.

HAROLD DAUZAT, February 24, 2015, Beginning at 11:00 a.m.

NORMA PERSILVER, February 24, 2015, Beginning at 1:30 p.m.

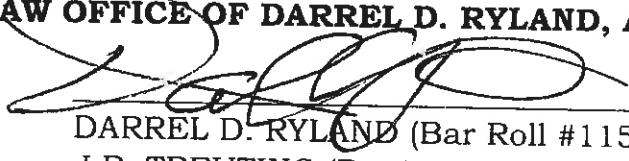
LAURIE LEMARTINIERE, February 24, 2015, Beginning at 2:00 p.m.

GARY SCOONOVER, February 24, 2015, Beginning at 2:30 p.m.

Said deposition is to be held at the office of Darrel Ryland, Attorney at Law, 115 West Mark Street, Marksville, Louisiana.

RESPECTFULLY SUBMITTED:

LAW OFFICE OF DARREL D. RYLAND, APLC

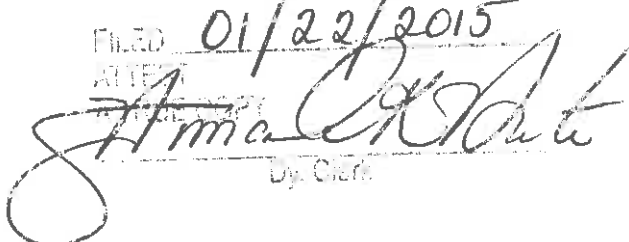

DARREL D. RYLAND (Bar Roll #11565)
J.B. TREUTING (Bar Roll #17173)
WESLEY ELMER (Bar Roll #23724)
DANIELLE A. SOLDANI-RYLAND(#30735)
STEPHEN C. RYLAND(#33348)
BLAKE E. RYLAND(#34747)
P.O. Drawer 1469
Marksville, Louisiana 71351
Phone: (318)253-5961
ATTORNEYS FOR PLAINTIFFS

CERTIFICATE

I HEREBY CERTIFY that I have this date forwarded a copy of the above forgoing Notice of Deposition to opposing counsel, by placing same in the U.S. Mail, postage properly affixed, to their last know address.
Marksville, Louisiana, this _____ day of _____, 20__.


OF COUNSEL

FILED
JAN 22 2015


Notary Public

SUBPOENA FOR DEPOSITION

ELIZABETH GAGNARD

Vs.

WAL-MART STORES, INC.



Case: 2014-00000922

Division: B

12th Judicial District Court

Parish of Avoyelles

State of Louisiana

To: HAROLD DAUZAT
145 LUKE MARTIN ROAD
BUNKIE, LA

YOU ARE HEREBY COMMANDED to appear before a court reporter for the State of Louisiana
at **THE OFFICE OF DARREL D. RYLAND, 115 WEST MARK STREET, MARKSVILLE, LA 71351,**
in the City of **MARKSVILLE**
at **11:00 A.M**
on **FEBRUARY 24, 2015**

to be examined under Oath by oral deposition to the truth according to your knowledge and of facts
relevant to the subject matter in the above entitled and numbered cause. By order of the 12th Judicial
District Court for the Parish of Avoyelles, LA. Herein fail not, under penalty of law.

WITNESS My Official Hand and Seal of Office at Marksville, Parish of Avoyelles, Louisiana on
Thursday, January 22, 2015.

SUB FOR DEPO W/ NOTICE OF DEPO

Attorney
DARREL D. RYLAND

Connie B. Covillion
Clerk of Court

Timothy R. Whit
Deputy Clerk of Court

SHERIFF'S RETURN
PERSONAL SERVICE

Received the above subpoena on _____

Served said subpoena on _____

In person on the above named
Individual at _____

Address and Parish

Deputy Sheriff

DOMICILIARY SERVICE

Received the above subpoena on _____

Served said subpoena on _____

At the above named individual's domicile
with (Name, Address, & Parish) _____

A person apparently above the age of sixteen years residing at the said domicile as a member thereof
from which, at the time of said service, the above named individual was absent.

Deputy Sheriff

[RETURN COPY]

SUBPOENA FOR DEPOSITION

ELIZABETH GAGNARD

Vs.

WAL-MART STORES, INC.



Case: 2014-00000922
Division: B
12th Judicial District Court
Parish of Avoyelles
State of Louisiana

To: GARY SCHOONOVER
1022 HWY 107 SOUTH
COTTONPORT, LA

YOU ARE HEREBY COMMANDED to appear before a court reporter for the State of Louisiana
at THE OFFICE OF DARREL D. RYLAND, 115 WEST MARK STREET, MARKSVILLE, LA 71351,
in the City of MARKSVILLE
at 02:30 P.M
on FEBRUARY 24, 2015 ,

to be examined under Oath by oral deposition to the truth according to your knowledge and of facts
relevant to the subject matter in the above entitled and numbered cause. By order of the 12th Judicial
District Court for the Parish of Avoyelles, LA. Herein fail not, under penalty of law.

WITNESS My Official Hand and Seal of Office at Marksville, Parish of Avoyelles, Louisiana on
Thursday, January 22, 2015.

SUB FOR DEPO W/ NOTICE OF DEPO

Attorney
DARREL D. RYLAND

Connie B. Couvillon
Clerk of Court

Deputy Clerk of Court

SHERIFF'S RETURN
PERSONAL SERVICE

Received the above subpoena on

Served said subpoena on

In person on the above named
Individual at

Address and Parish

Deputy Sheriff

DOMICILIARY SERVICE

Received the above subpoena on

Served said subpoena on

At the above named individual's domicile
with (Name, Address, & Parish)

A person apparently above the age of sixteen years residing at the said domicile as a member thereof
from which, at the time of said service, the above named individual was absent.

Deputy Sheriff

SUBPOENA FOR DEPOSITION

ELIZABETH GAGNARD

Vs.

WAL-MART STORES, INC.



FILED AND RECORDED
1015 FEB 10 PM 3 07
PARISH OF AVOYELLES
STATE OF LOUISIANA

Case: 2014-00000922
Division: B
12th Judicial District Court
Parish of Avoyelles
State of Louisiana

To: GARY SCHOONOVER
1022 HWY 107 SOUTH
COTTONPORT, LA

37.34

YOU ARE HEREBY COMMANDED to appear before a court reporter for the State of Louisiana at THE OFFICE OF DARREL D. RYLAND, 115 WEST MARK STREET, MARKSVILLE, LA 71351, in the City of MARKSVILLE at 02:30 P.M on FEBRUARY 24, 2015, to be examined under Oath by oral deposition to the truth according to your knowledge and of facts relevant to the subject matter in the above entitled and numbered cause. By order of the 12th Judicial District Court for the Parish of Avoyelles, LA. Herein fail not, under penalty of law.

WITNESS My Official Hand and Seal of Office at Marksville, Parish of Avoyelles, Louisiana on Thursday, January 22, 2015.

SUB FOR DEPO W/ NOTICE OF DEPO

Attorney
DARREL D. RYLAND

Connie B. Couvillon
Clerk of Court
[Signature]
Deputy Clerk of Court

SHERIFF'S RETURN
PERSONAL SERVICE

Received the above subpoena on

Served said subpoena on

In person on the above named
Individual at

11:00
02-09-15
Gary Schoonover
Address and Parish
[Signature]
Deputy Sheriff

DOMICILIARY SERVICE

Received the above subpoena on

Served said subpoena on

At the above named individual's domicile
with (Name, Address, & Parish)

A person apparently above the age of sixteen years residing at the said domicile as a member thereof from which, at the time of said service, the above named individual was absent.

Deputy Sheriff

[RETURN COPY]

Darrel D. Ryland, APLC

(A Professional Law Corporation)

DARREL D. RYLAND
J. B. TREUTING
WESLEY K. ELMER
DANIELLE A. SOLDANI-RYLAND
STEPHEN C. RYLAND
BLAKE E. RYLAND

CLERK AND RECTOR 115 WEST MARK STREET
AVOYELLES PARISH, LA P.O. DRAWER 1469
MARKSVILLE, LA 71351
2015 MAR 11 PM 2 TELEPHONE (318) 253-5961
FACSIMILE (318) 253-5599

FILE NO. _____
FILED AND RECORDED

Wednesday, March 11, 2015

Ms. Connie Couvillon
Clerk of Court, Avoyelles Parish
P. O. Box 196
Marksville, Louisiana 71351

RE: Elizabeth Gagnard, v. Wal-Mart, et al
Civil Suit No.: 2014-922B

Dear Madam:

Enclosed please find one original and one copy of a Notice of Deposition of Harold Dauzat, Norma Perisilver, Laurie Lemartiniere and Gary Scoonover, to be filed on behalf of plaintiffs. Please file stamp the copy and return to me.

Please issue the following subpoena:

1. Mr. Gary Schoonover
1022 Highway 107 South
Cottonport, Louisiana

to appear for a deposition with regard to the above referenced matter which is scheduled for **April 15, 2015 beginning at 3:00 p.m.** to be held at the office of Darrel D. Ryland, 115 West Mark Street, Marksville, Louisiana

I enclose my check in the amount of \$75.00 to cover the costs associated with this request. Please notify me of the date and type of service on these subpoenas.

LAW OFFICE OF DARREL D. RYLAND, APLC


WESLEY K. ELMER

WKE/pmw

Enclosure

Cc: Mr. David Calogero

CLERK AND DEPUTY CLERK
CIVIL SUIT NO. 2014-922B

ELIZABETH GAGNARD 2015 MAR 11 PM 12TH JUDICIAL DISTRICT COURT

VERSUS

FILE NO. PS **PARISH OF AVOYELLES**
FILED AND RECORDED

**WAL-MART STORES, INC. AND/OR
WAL-MART LOUISIANA, LLC**

STATE OF LOUISIANA

NOTICE OF DEPOSITION UPON ORAL EXAMINATION

TO: Mr. David Calogero

Please take notice that plaintiff in the above entitled action will take the deposition of the persons whose names are listed below, **for all purposes provided in the Louisiana Code of Civil Procedure**, at the place and times listed below upon oral examination before a qualified Notary public and Court Reporter of the State of Louisiana who is not of counsel or attorney for either of the parties nor a relative or employee of such counsel or party, now financially interested in this cause, the depositions to continue thereafter from the date listed below from day to day as the taking of the depositions may be adjourned, at which time and place you are hereby notified to appear, and take part in such manner as you shall see fit and proper.

HAROLD DAUZAT, April 15, 2015, Beginning at 11:00 a.m.

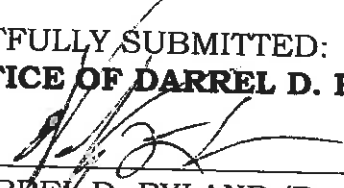
NORMA PERSILVER, April 15, 2015, Beginning at 1:30 p.m.

LAURIE LEMARTINIERE, April 15, 2015, Beginning at 2:00 p.m.

GARY SCOONOVER, April 15, 2015, Beginning at 2:30 p.m.

Said deposition is to be held at the office of Darrel Ryland, Attorney at Law, 115 West Mark Street, Marksville, Louisiana.

RESPECTFULLY SUBMITTED:
LAW OFFICE OF DARREL D. RYLAND, APLC


DARREL D. RYLAND (Bar Roll #11565)
J.B. TREUTING (Bar Roll #17173)
WESLEY ELMER (Bar Roll #23724)
DANIELLE A. SOLDANI-RYLAND(#30735)
STEPHEN C. RYLAND(#33348)
BLAKE E. RYLAND(#34747)
P.O. Drawer 1469
Marksville, Louisiana 71351
Phone: (318)253-5961
ATTORNEYS FOR PLAINTIFFS

CERTIFICATE

I HEREBY CERTIFY that I have this date forwarded a copy of the above forgoing Notice of Deposition to opposing counsel, by placing same in the U.S. Mail, postage properly affixed, to their last known address.

Marksville, Louisiana, this 11 day of March, 2015


OF COUNSEL

SUBPOENA FOR DEPOSITION

ELIZABETH GAGNARD

Vs.

WAL-MART STORES, INC.



Case: 2014-00000922

Division: B

12th Judicial District Court

Parish of Avoyelles

State of Louisiana

To: GARY SCHOONOVER
1022 HWY 107 SOUTH
COTTONPORT, LA

YOU ARE HEREBY COMMANDED to appear before a court reporter for the State of Louisiana
at **LAW OFFICE OF DARREL RYLAND, 115 WEST MARK STREET,**
in the City of **MARKSVILLE, LA.**

at **2:30 P.M**

on **APRIL 15, 2015,**

to be examined under Oath by oral deposition to the truth according to your knowledge and of facts
relevant to the subject matter in the above entitled and numbered cause. By order of the 12th Judicial
District Court for the Parish of Avoyelles, LA. Herein fail not, under penalty of law.

WITNESS My Official Hand and Seal of Office at Marksville, Parish of Avoyelles, Louisiana on
Wednesday, March 11, 2015.

Connie B. Couvillon
Clerk of Court

NOTICE OF DEPOSITION

Attorney
WESLEY ELMER

R. L. L. L.
Deputy Clerk of Court

SHERIFF'S RETURN
PERSONAL SERVICE

Received the above subpoena on _____

Served said subpoena on _____

In person on the above named
Individual at _____

Address and Parish

Deputy Sheriff

DOMICILIARY SERVICE

Received the above subpoena on _____

Served said subpoena on _____

At the above named individual's domicile
with (Name, Address, & Parish) _____

A person apparently above the age of sixteen years residing at the said domicile as a member thereof
from which, at the time of said service, the above named individual was absent.

Deputy Sheriff

[FILE COPY]

SUBPOENA FOR DEPOSITION

ELIZABETH GAGNARD

Vs.

WAL-MART STORES, INC.



Case: 2014-00000922
Division: B
12th Judicial District Court
Parish of Avoyelles
State of Louisiana

To: GARY SCHOONOVER
1022 HWY 107 SOUTH
COTTONPORT, LA

\$56.72

YOU ARE HEREBY COMMANDED to appear before a court reporter for the State of Louisiana at LAW OFFICE OF DARREL RYLAND, 115 WEST MARK STREET, in the City of MARKSVILLE, LA. at 2:30 P.M. on APRIL 15, 2015, to be examined under Oath by oral deposition to the truth according to your knowledge and of facts relevant to the subject matter in the above entitled and numbered cause. By order of the 12th Judicial District Court for the Parish of Avoyelles, LA. Herein fail not, under penalty of law.

WITNESS My Official Hand and Seal of Office at Marksville, Parish of Avoyelles, Louisiana on Wednesday, March 11, 2015.

NOTICE OF DEPOSITION

Attorney
WESLEY ELMER

Connie B. Couvillon
Clerk of Court

Rebecca Nailor
Deputy Clerk of Court

SHERIFF'S RETURN
PERSONAL SERVICE

Received the above subpoena on

Served said subpoena on

In person on the above named
Individual at

12:50

03-23-15

Gary Schoonover

Address and Parish

Jeff Lamm

Deputy Sheriff

DOMICILIARY SERVICE

Received the above subpoena on

Served said subpoena on

At the above named individual's domicile
with (Name, Address, & Parish)

A person apparently above the age of sixteen years residing at the said domicile as a member thereof from which, at the time of said service, the above named individual was absent.

Deputy Sheriff

18 x 2

[RETURN COPY]

JAMES J. DAVIDSON, JR.
(1904-1990)
RICHARD C. MEAUX, SR.
(1921-2008)
JAMES J. DAVIDSON, III
V. FARLEY SONNIER
(1942-1987)
JOHN E. MCELLIGOTT, JR.
PHILIP A. FONTENOT
KYLE L. GIDEON
THEODORE G. EDWARDS, IV
CHRISTOPHER J. PIASECKI
KEVIN M. DILLS
DAVID J. CALOGERO

DWAZENDRA J. SMITH *
ROBERT D. FELDER
JAMI L. LACOUR

LA PROFESSIONAL LAW CORPORATION
* TEXAS LICENSE

DAVIDSON, MEAUX, SONNIER, MCELLIGOTT,

FONTENOT, GIDEON & EDWARDS

A LIMITED LIABILITY PARTNERSHIP
ATTORNEYS AT LAW

810 SOUTH BUCHANAN STREET
P.O. BOX 2908
LAFAYETTE, LA 70502-2908

TELEPHONE: (337) 237-1660

FAX: (337) 237-3676

June 1, 2015

OF COUNSEL
CLERK AND RECORDER
AVOYELLES PARISH, LA
MARK C. ANDRUS
ARTHUR D. MOUTON
ROBERT C. MCGRIDE (RET.)

2015 JUN 4 AM 11 20

FILE NO _____ WRITER'S EMAIL ADDRESS:
FILED AND RECORDED
dcalogero@davidsonmeaux.com

Honorable Connie B. Couvillon
Avoyelles Parish Clerk of Court
Post Office Box 219
Marksville, Louisiana 71351-0219

Re: Elizabeth Gagnard
v. Wal-Mart Stores, Inc.
Docket No. 2014-922-B

Dear Clerk:

Enclosed herewith please find the original and one copy of a Notice of Removal on behalf of Wal-Mart Louisiana, LLC which we request you file into the record of the above-referenced matter. Please return to me the extra copy stamped with the date and time of filing in the enclosed self-addressed, stamped envelope.

Since I am required to provide the federal court clerk a certified copy of the entire state court record, I would appreciate it if you could send me a complete copy of the suit record referenced hereinabove along with the properly executed Affidavit which is enclosed.

According to your office we have sufficient funds in our account to cover the costs associated with this filing.

By copy of this letter, we are forwarding a copy of the enclosed pleading to all known counsel of record.

Thanking you for your assistance in this matter and with kindest regards, I remain

With kindest regards, I remain

Very truly yours,

DAVIDSON, MEAUX, SONNIER, MCELLIGOTT,
FONTENOT, GIDEON & EDWARDS


DAVID J. CALOGERO
DJC/cfs
Enclosures

cc: Mr. Darrel D. Ryland

ORIGINAL

CLERK AND RECORDER
AVOUELLES PARISH LA

2015 JUN 4 AM 11 20

ELIZABETH GAGNARD

*

12TH JUDICIAL DISTRICT COURT

FILE NO

VERSUS

*

DOCKET NUMBER: 2014-922-B

WAL-MART STORES, INC. and/or
WAL-MART LOUISIANA, L.L.C.

*

AVOUELLES PARISH, LOUISIANA

NOTICE OF REMOVAL

NOTICE IS HEREBY GIVEN under 28 U.S.C. § 1446(d) that Wal-Mart Louisiana, LLC, defendant herein, filed a Notice of Removal of this suit in and to the United States District Court for the Western District of Louisiana, Alexandria Division, on the 1st day of June, 2015.

Respectfully submitted,

Davidson, Meaux, Sonnier, McElligott
Fontenot, Gideon & Edwards



DAVID J. CALOGERO, #1748
810 South Buchanan Street
Post Office Box 2908
Lafayette, Louisiana 70502-2908
Ph: (337)237-1660; Fax: (337)237-3676

Attorneys for Wal-Mart Louisiana,
LLC

CERTIFICATE

I HEREBY CERTIFY that a copy of the above and foregoing pleading has this day been forwarded to all counsel of record by depositing same in the U.S. Mail, postage prepaid and properly addressed.

Lafayette, Louisiana, this 1st day of June, 2015.



DAVID J. CALOGERO